

ELEMENTS OF RESPONSE TO UNLAWFUL PROTESTS/BLOCKADES

1. Law enforcement
2. Multi-pronged engagement:
 - a. Ontario government and municipal governments (Ottawa, Windsor)
 - b. US government
 - c. Industry
 - d. Organizers of the demonstrations
3. Other enforcement and financial levers:
 - a. Provincial Transportation Authorities enforcement options
 - b. Border-related enforcement options
 - c. Financial levers
4. Public Narrative

1. LAW ENFORCEMENT

Ottawa

Plan A: Ottawa Police Service enforces existing criminal code and by-laws; with additional support from OPP and RCMP

- What additional federal policing resources are we preparing to provide Ottawa? (DM Public Safety, Commissioner RCMP)
- Need timelines to bring this matter to a conclusion (next 48-72 hours, weekend, beyond)
- What additional federal policing assets or equipment do we have available to offer? (DM Public Safety, Commissioner RCMP)
- What conditions or leverage could we attach to an agreement to provide these resources? (DM Public Safety, Commissioner RCMP)

Plan B: apart from extra resources, what other legal or law enforcement options could the federal government exercise?

- **Option 1:** Could RCMP provide a lead person who could take command of the response to the demonstrations in the red zone (e.g., Wellington Street, Rideau Street), and OPS continues policing in the other parts of the city (DM Public Safety, Commissioner RCMP)
- **Option 2:** Could the government make use of the *Emergencies Act*?
 - [REDACTED]
 - What would be involved in enforcing if the Emergencies Act was invoked? (DM Public Safety, Commissioner RCMP)

Windsor

Plan A: Windsor Police enforces criminal code and bylaws; with support from OPP

- Do we have additional federal policing resources to provide Windsor? (DM Public Safety, Commissioner RCMP)

- What additional federal policing assets or equipment to we have available to offer? (DM Public Safety, Commissioner RCMP)
- The US may offer private tow truck operators to remove the 75 vehicles blocking way to Ambassador Bridge.
 - What is involved in bringing trucks and drivers across the border? Insurance? Liability? (CBSA, IRCC)
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Plan B: apart from offering extra resources, what other legal or law options could the federal government exercise?

- **Option 1:** designated international trade corridor – consider expanding the ‘customs controlled area’ concept to designate a highway or other area as a designated international trade corridor that would provide law enforcement with specific authorities to ensure the safe and unrestricted flow of international goods and conveyances. Consequences for impeding flow could involve application of AMPs, removal of Customs Bond for carriers, or other sanctions as appropriate. (CBSA)
 - What is involved in making this option a reality? (CBSA)
- **Option 2:** emergency legislation creating additional offences for illegal blockades (same as Alberta, Nova Scotia)
- **Option 3:** could the government make use of the *Emergencies Act*? (same questions as above)

Other Cities

- what intelligence do we have about potential blockades in other cities, such as Lacolle, Vancouver? (Public Safety, CBSA)
- what can we do to get ahead of the situations in those cities working with those jurisdictions (Public Safety, CBSA)
- ask GOC to widen their incident reporting to begin looking more broadly than Ottawa, Windsor (Public Safety)

2. Multi-pronged engagement strategy:

a. Ontario and municipal governments

Prime Minister and Ministers bilateral engagement with Ontario

- Prime Minister spoke with Premier Ford **Feb 9**
- Ministers Mendicino and Leblanc spoke with Premier Ford **Feb 9**
- Minister Mendicino spoke with Ontario Minister Sylvia Jones **Feb 9**
- Minister Alghabra spoke with Ontario Minister Mulroney **Feb 9**

Tripartite table (Canada/Ontario/Ottawa)

- Ministers Mendicino and Blair and Mayor Watson met on **Feb 7 and 8**
- Ministers Mendicino and Blair, Minister Jones and Mayor Watson scheduled to meet on **Feb 10**

Ministerial engagement with Windsor

- Ministers Mendicino spoke with Mayor of Windsor on **Feb 9**

Senior Officials engagement with Ontario

- DM IGA spoke to his counterpart in Ontario **Feb 9**
- DM PS and DM Transport convened a FPT table of DMs of Public Safety and Transportation on **Feb 7** to discuss a national and coordinated strategy built upon “maximum and strategic enforcement” using all tools available at all levels of government.

Options for further engagement:

- Potentially expand tripartite governance table to include Windsor and Ministers of Transport
- Further meetings of FPT table of DMs of Public Safety and Transportation (if useful)
- Engagement FCM and mayors of big cities to share lessons learned and help them prepare if needed.

b. US Government

- NSIA engaged with US National Security Advisor on potential US support on tow trucks **Feb 9**.
 - CBSA President connecting with Governor of Michigan on potential offer of tow truck assistance.
- CBSA is fully engaged with U.S. Customs and Border Protection (CBP) locally, and at the national level to manage the situation along the border. They are actively monitoring and sharing information re: Ambassador Bridge, Sarnia and Coutts.
- U.S. CBP colleagues indicated to CBSA that the White House was briefed **Feb 9**.
- PS and Department of Homeland Security officials meeting **Feb 10** as part of a regular table on cross-border issues – the convoy protest will be the topic.

c. Industry representatives

- Minister Champagne conducting outreach to industry representatives (auto sector)

d. Organizers of the demonstrations

- Under what circumstances would engagement with organizers be beneficial? (DM Public Safety to follow up with OPP negotiator / mediator that is currently working with OPS)

3. Other enforcement options and economic levers:

a. Provincial Transportation Authorities enforcement options (Transport)

1. Support local law enforcement in managing vehicle flows by, for example, conducting roadside safety and emissions inspections with maximum penalties for infractions (e.g. fines or impounding vehicles)
2. Use, or establishment, of provincial emergency legislation creating additional offences for illegal blockades (e.g. as in Nova Scotia and Alberta).
3. Obtain and assess surveillance data (e.g. plate numbers driver information of all vehicles involved in unlawful protest/demonstration from local law enforcement (e.g. Ottawa, Windsor) to determine if further investigation/audit warranted related to the Commercial Vehicle Operators Registration.

Additional considerations for truck drivers beyond those that might apply to drivers of typical passenger vehicles, notably:

- *Class 1 (Class A) Driver Licence*
 - Licence can be suspended due to convictions for serious criminal code infractions related to driving (impaired driving, dangerous driving causing injury, death etc.)
 - Licence can also be suspended due to a large accumulation of demerit points
- *Commercial Motor Carrier Profile (e.g. referred to in Ontario as Commercial Vehicle Operator's Registration (CVOR) certificate)*
 - CVOR is issued to the company (including an owner-operator) and under the certificate is a carrier safety rating
 - Safety rating can be impacted by convictions related to driving/safety under the criminal code, highway traffic act, failed inspections, and other safety incidents.
 - Each driver under a CVOR also has a driver abstract that is similarly impacted by the above and affects the carrier rating
 - Carrier ratings and driver profiles/abstracts are available to the public and affect cost and availability of insurance.

b. Border-related enforcement options (CBSA)

- Trusted Trader Programs – CBSA could explore the status of any commercial operator involved in protest for current and future trusted trucking programs. Stripping people of access to the program could have a material impact. CBSA is assessing implications for membership. The good character clause still applies, and the ability to leverage this requirement may present consequences for drivers, carriers or other entities. The border protests in Southern Ontario and Southern Alberta has involved mostly individuals with very few commercial operators engaged in the activity.

- Trusted Traveller Program – similarly, CBSA will explore the good character clause for travellers enrolled or applying for membership in the NEXUS program. This tool may be leveraged against members who are identified in committing offences related to impeding international border crossings.
- Revocation of Support Benefits – examine the authorities to revoke and recover COVID support payments to persons, business and other entities involved in disrupting border trade.

c. **Financial Levers (Finance)**

Overview

The following provides options for consideration in order to maintain the integrity of the financial sector including for example, funding activities that cause significant harm to the economy. The options consider the tools needed to ensure that the source of funds of financial transactions are legitimate and the integrity of Canada's financial sector is protected.

Option 1: Proceeds of Crime (Money Laundering) and Terrorist Finance Act (PCMLTFA)

Recent activities have highlighted that certain entities such as crowdfunding platforms (e.g., GoFundMe, Patreon, etc.) and some payments processors (e.g., PayPal, Square, Moneris, Stripe, etc.) are not currently captured under the PCMLTFA. The risks associated to crowdfunding platforms and payments processors have already been assessed as being medium and high respectively in the government's most recent update to the *Assessment of Inherent Risks of Money Laundering and Terrorist Risks in Canada*.

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Next Steps:

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Option 2: Bank Act

Although more work is needed to scope the proposal and assess its legal, social and economic implications, the second measure would leverage your responsibility over the banking sector.

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Considerations

These measures would set a precedent in the banking system and banks and consumers are likely to raise concerns.

4. Federal Narrative

Overview

Considering the rapidly changing environment related to the demonstrations across Canada, there is a need for the Government of Canada to continue to provide a consistent narrative about its role, the supports provided and the importance of collaboration and unity among all levels of government to seek to resolve the evolving situation.

Key messages

- The Federal Government is very concerned about the illegal occupations occurring across the country. We understand that Canadians are frustrated with the pandemic and they are tired but this is no excuse to act illegally to try and force things to change. This is not how a democratic country works.
- We have worked very closely with the Provincial and Territorial leaders, public health officials and Canadians across this country over the past two years to try to protect us from the health, social and economic impacts of COVID on all of us. This has not been easy and it has quite frankly it has been exhausting.
- What we are now seeing, is unfortunately a very real demonstration of this frustration and exhaustion, but illegal actions are not the answer.
- We are seeing the images of our Capital city across the country and internationally that call into question our ability to keep the peace and keep our citizens safe – this is unacceptable.
- It is very important for Canadians and our international partners to understand this – the business of governing the country continues. The presence of these trucks and illegal occupiers in the streets of the City of Ottawa will not deter us from continuing our work in Parliament daily on behalf of Canadians.
- We are seeing the blockades in Coutts Alberta and on the Ambassador Bridge that are resulting in very real economic instability not only for these cities, but for all Canadians as our supply chain is impacted and our economy suffers.
- As the Federal Government, we will continue to work with the Provincial leaders and their teams, as well as municipal leaders to support them in enforcing the law and to bring these illegal occupations to an end.
- Across this country we recognize and sympathize with the challenges the citizens of these cities have faced because of these illegal actions, as well as the sacrifices made by all Canadians throughout this pandemic.
- For those of you thinking of joining these illegal protests, we strongly suggest that you reconsider. We are calling on everyone to not jeopardize public peace or endanger yourselves or others by participating in purposefully illegal activities. There will be consequences for all criminal behavior related to the ongoing situations in Ottawa and across the country.
- On COVID, we have learned a lot from science throughout this pandemic and we will continue to rely on the advice of our public health specialists in the coming weeks and months to help us chart our next course to deal with these challenges as we look to live with COVID.
- These illegal actions simply take time, energy, and focus away from the important work that is needed to chart this course.